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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,810	12/17/1999	DAVID D. BOHN	10991692-1	7982

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FORT COLLINS, CO 80527-2400

EXAMINER

LESPERANCE, JEAN E

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 05/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/471,810

Applicant(s)

BOHN, DAVID D.

Examiner

Jean E Lesperance

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Drawings*

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### *Claim Rejections - 35 U.S.C. § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-56 are rejected under 35 U.S.C. 102 (b) as being unpatentable over the Publication of Jun Rekimoto.

As for claims 1, 8, 17, 27, 32, 36, 43, and 52, Jun Rekimoto teaches a display (Fig. 3) and a hand-held electric device, including pagers, and cell phones. Instead of using a pen or a touch sensitive display, there are other possibilities to operate hand-held devices. They are using a tilt as the input method corresponding to a navigation sensor.

As for claims 2 and 37, Jun Rekimoto teaches instead of moving the menu items, it could also be possible to control the cursor by tilting while menu items are fixed on the screen (column 3, lines 25-27) corresponding to said change comprises at least moving the cursor.

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As for claims 3-5, Jun Rekimoto teaches that it is possible to control a cursor by tilting while menu items are fixed on the screen. The equation on (column 4, lines 12-26) simultaneously teaches how to control the three effects of viewing transformation like panning, zooming and rotating corresponding to at least moving a cursor, panning, scrolling and navigating part of said image.

As for claims 6-7, 13, 15, 41-42, 48, and 50, Jun Rekimoto teaches using both tilt and buttons, it is possible to build several interaction techniques ranging from menus and scroll bars, to more complicated examples such as a map browsing system and a 3D object viewer (column 1, lines 5-8) corresponding to first and second buttons, whereby said movement of said electronic device, said first button, and said second button may be operated in cooperation to mimic more than one function of a computer mouse being used with a graphical user interface.

As for claims 9-12, 14, 16, 18-26, 28-31, 33-35, 37-40, 44-47, 49, 51, and 53-56, Jun Rekimoto teaches the user controls the location of the cursor and looks around the map by keeping the button depressed and rotating the display left and right, or up and down (Fig. 3).

As for claim 38, Jun Rekimoto teaches viewing transformation can be done by panning (column 4, line 30) corresponding to said change comprises at least panning at least part of said image that is showing on said display.

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As for claim 39, Jun Rekimoto teaches several interactive techniques ranging from menus to scroll bars (abstract) corresponding to said display comprises at least scrolling at least part of said image that is showing on said display.

As for claim 40, Jun Rekimoto teaches Fig.2 which shows at least part of said image corresponding to said change comprises at least navigating at least part of said image that is showing on said display.

***Response to Amendment***

3. Applicant's arguments filed 3-11-2003 have been fully considered but they are not persuasive. The applicant argued that applicant respectfully submits that these limitations of movement of said electronic device relative to a surface in close proximity to said navigation sensor, or a surface upon which said device is placed, or a surface in contact with said device or similar limitations do not appear to be addressed by the present Office Action. Examiner disagrees with this statement because in claims 1 of the last Office Action, the rejection states that Jun Rekimoto teaches a display (Fig. 3) and a hand-held electric device, including pagers, and cell phones. Instead of using a pen or a touch sensitive display, there are other possibilities to operate hand-held devices. They are using a tilt as the input method corresponding to a navigation sensor. To those that are skill in the art know that it is inherent for the tilting interface or electronic device as taught by Jun Rekimoto to be relative the surface and to be in close proximity to the said navigation sensor because the device is included a sensor. The prior art clearly anticipates the

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applicant's independent claim limitations. The applicant has to amend the claim limitations to clearly overcome the prior art. Movement of said electronic device relative to a surface in close proximity to said navigation sensor is not clear enough to differentiate over the prior art because it is inherent in it. Therefore, the rejection is maintained as was rejected in the previous Office Action.

#### **Conclusion**

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Lesperance whose telephone number is (703) 308-6413. The examiner can normally be reached on from Monday to Friday between 8:00AM and 4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709 .

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Jean Lesperance



Date 5-21-2003

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RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600